

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

BILLY BRANTLEY, et al.)	
)	
Plaintiffs,)	Case No. C-1-01-378
)	
V.)	Judge Susan J. Dlott
)	
CINERGY CORP.)	PLAINTIFFS' MOTION, WITH
)	DEFENDANT'S CONSENT, FOR
Defendant.)	AN EXTENSION OF TIME TO
)	RESPOND TO DEFENDANT'S
)	MOTIONS FOR SUMMARY
)	JUDGMENT AND MOTION TO
)	SEVER PLAINTIFFS' CLAIMS

With Defendant's consent, Plaintiffs move the Court to grant them an extension of time, to September 9, 2004, to file their responses to Defendant Cinergy Corp's Motions for Summary Judgment as to all Plaintiffs and Defendant Cinergy Corp.'s Motion to Sever Plaintiffs' Claims, with a concomitant extension of time, to October 4, 2004, for Defendant to file its replies to Plaintiffs' responses. Plaintiffs submit the following Memorandum in support of this Motion, with a proposed Order attached hereto.

Memorandum in Support of Motion

The due date for Plaintiffs' responses is currently August 26, 2004, and Defendant's replies are due on September 9, 2004. Defendant has consented to Plaintiffs' request for an extension through September 9, 2004 for all of Plaintiffs' responses, provided the time for Defendant's replies to same is extended through October 4, 2004.

The press of other matters has necessitated this request. During the month of August, (i)

the partner responsible for Plaintiffs' responses has been heavily involved in depositions, out-of-state business trips and other matters of pressing business, including other litigation with Defendant; (ii) the paralegal responsible for this file has left the law firm principally responsible for this case, which has impacted efficiency in responding to Defendant's Motions; and (iii) the associate who is assisting with Plaintiffs' responses has been pressed by her need to attend to preparations for her wedding out-of-state on September 4, 2004.

The requested extensions will not disrupt or interfere with the schedule for further proceedings in this action. Thus, for good cause shown and with the consent of Defendant Cinergy Corp., Plaintiffs respectfully request that this Court grant the requested extensions. A proposed order is attached and will be separately emailed to the Court.

Respectfully submitted,

s/ David D. Kammer
David D. Kammer (0061808)
TOBIAS, KRAUS & TORCHIA
414 Walnut Street
Suite 911
Cincinnati, OH 45202
Telephone: (513) 241-8137
Facsimile: (513) 241-7863
DaveK@tktlaw.com
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2004 I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification to:

Jill Thompson O'Shea, Esq.
Cinergy Services, Inc.
Atrium II
139 East Fourth Street
P.O. Box 960
Cincinnati, OH 45201

Gregory V. Mersol
Baker & Hostetler, LLP
3200 National City Center
1900 East Ninth Street
Cleveland, OH 44114-3485

s/ David D. Kammer
David D. Kammer (0061808)

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Plaintiffs,)	Case No. C-1-01-378
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)	
CINERGY CORP.)	ORDER
)	
Defendant.)	
)	
)	
)	

With defendant's consent, and the Court being in all respects duly and sufficiently advised, Plaintiffs Motion for an Extension of Time to Respond to Defendant's Motions for Summary Judgment and Motion to Sever Plaintiffs' Claims is **GRANTED**, thereby making Plaintiffs' Responses due on September 9, 2004. Defendant's time to file its replies is also extended, such that Defendant's replies are due on October 14, 2004.

IT IS SO ORDERED.

Susan J. Dlott
United States District Judge